

Appl. No. : 09/847,208
Filed : May 1, 2001

Request for Reconsideration

Applicants thank the Examiner for the phone conference that took place on November 20, 2002, which included Examiner Huynh and Edward DesJardins for the Attorney of Record.

According to the Advisory Action mailed on October 29, 2002 (Paper No. 14) in connection with the above-identified patent application, the amendments proposed in Applicants' reply filed on October 1, 2002 will not be entered because "they raise new issues that would require further consideration and/or search," and "raise the issue of new matter." The only explanation provided for these statements is a note indicating that the recitation of "is essentially" in claim 90 "raises issues that would require further consideration because it has no support in the specification or the claims as originally filed and it now changes the range of the polypeptide of SEQ ID NO: 6." Without acquiescing in the Examiner's position and merely to expedite the prosecution of the present application, upon entry of the foregoing amendment the phrase objected to will no longer be present in claim 90.

Since the Advisory Action indicates no other reason for the non-entry of the Amendment and Response filed on October 1, 2002, entry of that amendment followed by the entry of the present Amendment and Request for Reconsideration is respectfully requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

Applicants believe that upon entry of the two amendments filed after the final Office Action mailed on July 2, 2002, all claims will be in *prima facie* condition for allowance, and an early issuance of a Notice of Allowance is respectfully solicited. For the unexpected event that the present Amendment and Request for Reconsideration does not result in an allowance, a Notice of Appeal is filed herewith.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

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Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 21, 2002

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Claim 90 has been amended as follows:

90. (Once Amended) The fusion molecule of claim 89 wherein said CH2-CH3-CH4 portion of a native human IgE heavy chain constant region [is essentially] consists of the amino acid sequence of SEQ ID NO:6.

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